

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated April 7, 2004, indicated that claims 17-24 are allowed; claims 11-16 have alleged informalities and would otherwise be allowable over the prior art; claims 1 and 2 are rejected under 35 U.S.C. § 102(b) over *Weinstein et al.* (U.S. Patent No. 5,208,786); claims 7 and 8 are rejected under 35 U.S.C. § 102(e) over *Hassan* (U.S. Patent No. 5,901,185); claims 3-6 are rejected under 35 U.S.C. § 103(a) over *Weinstein* in view of applicant's background of the invention; and claims 9 and 10 are rejected under 35 U.S.C. § 103(a) over *Weinstein* in view of *Shimizu et al.* (U.S. Patent No. 6,496,534).

Applicant appreciates the Examiner's careful efforts to search and review the prior art and the allowability indications re: claims 17-24 and claims 11-16.

With respect to claims 11-16 and their alleged informalities, Applicant respectfully traverses. First, the Office Action seems to implicitly acknowledge that there is no requirement for any certain type of connection between limitations recited in method claims. Applicant respectfully submits that the claim is properly worded and strictly conforms to the rigors set forth in the patent statutes. Moreover, claim 11 is more than "connected": the "iterative calculating ..." clause of lines 5-10 has the subject matter recited in lines 7-8 referring to the estimate recited in line 4 and the subject matter recited in lines 9-10 referring to the estimate recited in line 3; and the "selecting ..." clause of the last line refers to the calculation of lines 5-10. In view of this explanation, Applicant respectfully requests that the objection be withdrawn.

With regards to the rejection under Section 102(b), Applicant respectfully traverses.

Claims 1 and 2 set forth subject matter that is entirely different than that which is disclosed by the teaching in the *Weinstein* '786 reference, and the Office Action has not set forth adequate correspondence as required for a *prima facie* case. For instance, the rejection does not explain where the '786 reference teaches the subject matter set forth in lines 5-6 and concerning the "iteratively computing ..." clause. The '786 reference teaches that the coefficients of the reconstruction filter 12 are iteratively determined and that the transfer functions that are used to represent the crosstalk processes are estimated (see

Abstract). More specifically, for a two-channel case the '786 reference teaches that these estimated transfer functions (representing the crosstalk processes) are developed by estimating one transfer component with the assumption that the other transfer component is known (see Summary at column 2, lines 42-44), and that by alternating the known component and the estimated component, the system filter can be iteratively estimated commensurate with a merger of these transfer components. This '786 approach is entirely different from that which is set forth in Applicant's claims 1 and 2. As in many specific examples, the "iteratively computing ..." clause of claim 1 requires "iteratively computing a probable cross talk signal and, therefrom, producing a plurality of iteratively computed probable cross talk signals" whereas the '786 approach does not "iteratively comput[e] a probable cross talk signal" or "produc[e] a plurality of iteratively computed probable cross talk signals." Applicant respectfully submits that correspondence to the '786 reference in this regard has not been made because the '786 reference does not provide such teaching. In view thereof, Applicant respectfully requests that the rejection be withdrawn.

With regards to the rejection under Section 102(e), Applicant respectfully traverses as the *Hassan* '185 reference does not provide teaching that corresponds to the subject matter set forth in claims 7 and 8 including, for example, the "iteratively calculating ..." clause. The specifically cited (Figure 10) process of the '185 reference does not involve any iterative calculation of an expected value for each such symbol, as claimed by claim 7, but rather concerns "information symbol estimates 745 that are generated using an iterative estimation of the transfer characteristic 522, in which each succeeding estimate 745 of the transfer characteristic 522 is augmented by previous estimates 755 of information symbols" (see column 10, lines 10-14). To the extent the rejection relies on figure 5 (prior art to the '185 reference), Applicant would request clarification of the basis for the rejection. In view of the above discussion of the '185 reference, Applicant respectfully requests that the rejection be withdrawn.

Turning now to the Section 103(a) rejections of claims 3-6 and of claims 9 and 10, Applicant respectfully traverses. Claims 3-6 are dependent and distinguishable from the teachings of *Weinstein* at least for the reasons discussed above. This rejection (the above-distinguished teaching of *Weinstein* in view of applicant's background) results in a hypothetical embodiment that fails to correspond to the rejected claims for the reasons

discussed above in connection with claim 1; for example, because *Weinstein* fails to correspond to the clause at lines 5-6, the hypothetical embodiment also fails to correspond. In view thereof, Applicant respectfully requests that the rejection be withdrawn.

Applicant similarly traverses the rejection of claim 9 under Section 103(a). Claim 9 is dependent on claim 7 and is distinguishable from the teachings of *Weinstein* at least for the reasons discussed above in connection with the rejection of claim 1. Moreover, the basis for this rejection appears to assume that claim 9 is dependent on claim 1 and thus, relies on the rejection of claim 1 in view of *Weinstein*; in this regard, the rejection does not provide proper correspondence to the underlying independent claim (claim 7). Accordingly, Applicant respectfully requests that the rejection be withdrawn.

In regards to the Section 103(a) rejection of claims 9 and 10, Applicant respectfully submits that combining the cited teachings of *Weinstein* with those of *Shimizu* would result in a modified *Weinstein* embodiment having an inoperable algorithm. In accordance with MPEP § 2143.01, Applicant respectfully submits that the rejection is improper and should therefore be withdrawn. With particular respect to the Section 103(a) rejection of claim 10, the basis of this rejection also appears to assume that the Office Action had previously attempted to apply *Weinstein* to claims other than claims 1-2 and 3-6. As such, the Office Action has not provided a proper application of the teachings of *Weinstein* to the limitations and invention set forth in claim 10.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

By: 

Robert J. Crawford
Reg. No. 32,122

Dated: June 16, 2004